

REMARKS

This Response to Notice of Non-Compliant Amendment responds to the Office Action mailed November 3, 2006 and the Notice of Non-Compliant Amendment dated May 16, 2007. A Request for Extension of Time was requested with the May 3, 2007 Response to Office Action and the appropriate fees have been paid.

In that Office Action, all the originally submitted claims were rejected as unpatentable in view of more than a dozen references. In response, the originally submitted claims are cancelled and the above claims 26 through 29 are respectfully offered.

Applicant has carefully studied all the cited references, insofar as he is able to do so (he does not read Japanese). The cited prior art does not teach or suggest immersing applewood chips in whiskey to alter its flavor, as called for in claim 26. The cited art teaches the use of fruit woods, including cherrywood, during various alcoholic beverage maturation processes, but nowhere in the cited art is there any suggestion of immersing applewood chips in whiskey during the maturation process so as to alter the whiskey flavor to a surprising -- and surprisingly pleasant -- degree.

Indeed, this conspicuous absence of any specific reference to applewood chips throughout all the long and voluminous history of this searched art amounts to an implication that this art teaches away from applicant's surprisingly novel and surprisingly effective invention.

The cited prior art does not teach that the whiskey being so treated has an alcohol content of about 62.5%, as called for in claim 27. And the prior art nowhere suggests toasting the applewood chips and thereafter immersing the chips in the whiskey, as called for in claim 28.

The Examiner's attention is respectfully drawn to newly submitted claim 29. The cited prior art does not suggest any of the four steps recited in that claim; and certainly the prior art does not suggest combining all four of these steps to provide a whiskey of surprisingly attractive taste after a surprisingly short maturation period. Impermissibly extensive use of hindsight would be required to cite a combination of references which would render obvious this highly novel combination of steps.

All the claims now presented are believed to properly define patentable methodology. Since the application appears otherwise in condition for allowance, an early action to that effect is earnestly solicited.

Respectfully submitted,

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Dated: May 23, 2007

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